IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1756 OF 2004

Shri. Prakash Bankat Salunkhe ...Petitioner

V/s.

Sau.Mangal Prakash Salunkhe & Anr. ...Respondents

Shri. Dnyaneshwar Deshmukh for the Petitioner.
Ms. S.D. Shinde A.P.P.for the Respondents.

CORAM : A.S. OKA, J.
DATED : JUNE 14, 2005.

P.C.:

1. An Application under Section 125 of the Code of Criminal Procedure, 1973 was filed by the Respondent No.1-wife against the Petitioner. The Application was dismissed by the learned Magistrate. In the revision filed by the Respondent No.1 the Sessions Court has interferred and granted a maintenance of Rs.500/- per month in favour of the Respondent No.1. The learned Sessions Judge has relied upon the admitted documents on record and admissions of the Petitioner as regards second marriage performed by him.

2. The learned Counsel for the Petitioner submitted that there are no points framed by the Courts below on the issue regarding earning capacity of the Respondent No.1. In view of this submission I have perused the notes of evidence annexed to this Petition. There is no material on record to show that the Respondent No.1

is in a position to earn.

3. Hence, no interference is called for in the impugned Order by the learned Sessions Judge of maintenance of only Rs.500/- per month awarded in favour of the Respondent No.1-wife. The Petition is dismissed with not order as to costs.

JUDGE